

Attachment 1



CITY of GARDENA

1700 WEST 182<sup>ND</sup> STREET

GARDENA, CALIFORNIA 90247-3778

(310) 217-9500

TERRENCE S. TERAUCHI, Mayor  
PAUL K. TANAKA, Mayor Pro Tem  
STEVEN C. BRADFORD, Councilmember  
RONALD K. IKFIRI, Councilmember  
OSCAR MEDRANO JR., Councilmember

RACHEL C. JOHNSON, City Clerk  
LORENZO F. YBARRA, City Treasurer  
MITCHELL G. LANSDELL, City Manager  
EDWARD LEE, City Attorney

## TELECOPY COVER SHEET

DATE: 11-21-03 TOTAL PAGES (including this sheet) 3TO THE ATTENTION OF: Steve Haelton FAX NO: 562-424-8139FROM: Mitch Lansdell

DOCUMENT TRANSMITTED:

Letter re: Request for Extension to  
Compliance - Order IWMA BE 03-02

REMARKS:

City of Gardena

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November 21, 2003

**VIA FACSIMILE AND MAIL**

Mr. Mark Leary  
Executive Director  
California Integrated Waste Management Board  
P.O. Box 4025  
Sacramento, CA 95812-4025

**Subject: REQUEST FOR EXTENSION TO  
COMPLIANCE ORDER IWMA BR 03-02 - CITY OF GARDENA**

Dear Mr. Leary:

The purpose of this letter is to request an extension of the time schedules for compliance under the Local Assistance Plan and an amendment to the Findings and Order of the Board, issued on September 16, 2003. I have briefly outlined below the basis for the City's request and will work closely with your staff to timely provide the necessary support for our request prior to the Board's consideration.

On October 2, 2003, City staff and representatives of Waste Resources of Gardena, Inc. met with Board staff to discuss the City of Gardena's compliance with the Local Assistance Plan, more specifically the diversion tonnage and specific plans for diversion in collecting disposal data. However, as you may know by now, the Superior Court issued an injunction order on October 24, 2003, in the case of *S&H Disposal et al. v. City of Gardena, et al.*, which became effective on October 28, 2003. This injunction provided, in part, that S&H Disposal, BFI Waste Services of North America, Inc., Consolidated Disposal Service, LLC, and USA Waste of California (the plaintiff haulers) were permitted to continue solid waste services within the City of Gardena.

In response to the court's order, the City Council adopted Resolution 4780 to allow these four plaintiff haulers to continue to operate within the City and to further amend each respective franchise to require each hauler, including Waste Resources of Gardena, Inc. to meet the performance requirements of the Local Assistance Plan and compliance with AB 939 diversion mandates. An Amendment to Exclusive Franchise was presented to each of the plaintiff haulers in a meeting held on November 5, 2003, which has not yet

Mr. Mark Leary, Executive Director  
California Integrated Waste Management Board  
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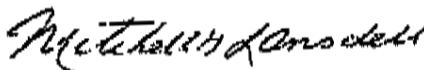
been agreed to. Nevertheless, the City requested that each hauler provide a detailed plan by November 12, 2003, on how they would comply with Section 1.A.(IV) of the Coordination Work Plan which is a part of the Local Assistance Plan. Our preliminary review of these submitted plans indicate a number of deficiencies which would not enable the City to comply with the Coordination Work Plan.

The City contemplated, when the we entered into the Local Assistance Plan, that we could achieve the schedules in the Local Assistance Plan due to greater control over the commercial waste stream through a single exclusive hauler. The City now finds itself having to deal with five haulers for an unspecified period of time until a final resolution of the litigation. In fact this condition may exacerbate as another hauler is now seeking injunctive relief.

While the City will diligently work with these haulers to meet the requirements of the Local Assistance Plan, it is quite obvious that the City is faced with factors which are outside its control. It is due to this circumstance that the City is now seeking relief from the Board.

Again, I will work closely with your local staff to provide all necessary supporting materials and documentation for our request. I would appreciate your confirmation that this request is scheduled for the upcoming December Board meeting.

Sincerely,



MITCHELL G. LANSDILL  
City Manager  
City of Gardena

c: F.W. Lee  
T. Vieira